

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

2. **ORDERED** that a Notice of Removal and Transfer, pursuant to 28 U.S.C. § 157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
3. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City Circuit Court shall thereafter promptly transfer the case file pertaining to each Pending Action to the clerk of the District Court for the District of Massachusetts; and it is further
4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
5. **ORDERED** that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE

EXHIBIT B

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: [DATE OF REMOVAL]
[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]